

CERTIFIED TRUE COPY

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 1-8-97 cm

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

By: Pauline Foley
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

Administrative Action

JONATHAN W. PARKER, D.M.D.

: AMENDMENT TO REINSTATEMENT
: ORDER FILED APRIL 18, 1996
:
:
:

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

THIS MATTER was opened to the New Jersey State Board of Dentistry (hereinafter the "Board") upon the filing of an Application for Reinstatement of Licensure by Pamela Mandel, Esq., counsel for respondent Jonathan W. Parker, D.M.D. (hereinafter the "respondent"). The Application was supported by documents attesting to the rehabilitation of Dr. Parker with respect to his drug addiction including, but not limited to, reports from Frank J. Dyer, Ph.D., Ross B. Brower, M.D., and Richard J. Frances, M.D. Dr. Parker's license to practice dentistry had been revoked by a prior Board Decision and Order entered on November 17, 1994. Dr. Parker's license was reinstated with limitations by a Board Decision and Order entered on April 18, 1996. (See Administrative Reinstatement Order dated April 18, 1996,

attached hereto and made a part hereof). By the terms of that Order, respondent was granted leave to seek a modification of its terms after six (6) months.

On December 4, 1996, the Board considered the entire record in this matter. Information before the Board indicated that respondent has been fully compliant with the April 18, 1996 Reinstatement Order. The Board finding that good cause exists for the entry of the within Order,

IT IS on this 8th day of January, 1997,
ORDERED, that:

1. The requirement that respondent practice dentistry only under the direct supervision of another licensed dentist, as set forth in paragraph 2 of the April 18, 1996 Reinstatement Order shall be terminated commencing upon entry of the within Order.

2. The requirement that respondent practice dentistry no more than two (2) full days each week, as set forth in paragraph 2 of the April 18, 1996 Reinstatement Order shall be terminated commencing upon entry of the within Order.

3. The requirement of urine monitoring under the supervision of the Board on a random, unannounced basis, twice weekly, at a laboratory facility designated by the Board, shall continue as set forth in paragraph 3 of the April 18, 1996 Reinstatement Order.

Specifically, the urine monitoring shall be conducted with direct witnessing of the taking of the samples by a person of the same gender as arranged and designated by the testing facility. The initial drug test shall utilize appropriate screening techniques, and all confirming tests and/or secondary tests shall be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. All

tests shall be provided to Agnes Clarke, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing. Any failure by the respondent to submit or provide a urine sample within twenty-four (24) hours of a request shall be deemed to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes Clarke, Executive Director of the Board, or her designee. Personnel at the drug testing facility shall not be authorized to consent to waive a urine test. In addition, respondent shall provide the Board with written substantiation of his inability to appear for a test within two (2) days after permission has been granted to waive a test, e.g., a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the dentist that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. In the event the respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for a urine test prior to the resumption of dental practice upon return to the State. The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

4. Respondent's attendance at AA/NA support groups shall continue as set forth in paragraph 4 of the April 18, 1996 Reinstatement Order. Specifically, respondent shall

attend support groups including two (2) meetings per week of an impaired professional group and ten (10) meetings per week of AA/NA groups.

5. Respondent's continued attendance for individual therapy with Ross Brower, M.D., as required in paragraph 5 of the April 18, 1996 Reinstatement Order shall be on a voluntary basis. Respondent shall continue to attend group therapy with Richard Frances, M.D., as required in paragraph 5 of the April 18, 1996 Reinstatement Order. Respondent shall cause Dr. Frances to continue to provide quarterly reports directly to the Board with respect to his attendance and progress in group therapy.

6. Respondent shall not prescribe or dispense or administer Class II controlled dangerous substances nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. In the event any physician or dentist prescribes medication which is a Class II controlled dangerous substance, respondent shall cause such doctor to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall be permitted to prescribe Class III and Class IV controlled dangerous substances commencing upon entry of the within Order in accordance with the following terms and conditions:

(a) Dr. Parker shall obtain and exclusively employ prescription pads which provide triplicate copies of each prescription and which are consecutively numbered.

(b) Dr. Parker shall provide the original of the prescription to the patient. He shall place one copy in the patient's chart and submit one copy of all prescriptions

to the Board on a monthly basis. He shall be required to account for each consecutive number regardless of whether the particular prescription was voided or was not used for any purpose whatsoever. Further, Dr. Parker shall submit with each prescription for a Class III or Class IV controlled dangerous substance a copy of the patient's treatment record in order to confirm the need for the prescription.

(c) Dr. Parker shall submit copies of these prescriptions in consecutive order accompanied by patient records when required no later than the fifth (5th) day of each month for all prescriptions written in the previous month. The prescriptions shall be submitted to Agnes Clarke, Executive Director of the State Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, so that they may be reviewed and monitored by the Board.

8. Respondent shall provide appropriate releases to any and all parties who have information concerning respondent's drug dependency, and/or who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

9. At the Board's discretion, respondent shall submit to a psychological or psychiatric evaluation by a Board appointed consultant within six (6) months from the entry of this Order. Respondent shall be responsible for the fee of the consultant for the evaluation and report.

10. All costs associated with the monitoring program as outlined herein shall be paid directly by the respondent.

11. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within

Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

12. Respondent may apply for modification of the terms and conditions of the within Order no sooner than one (1) year from the entry date herein.

13. All other terms and conditions set forth in the April 18, 1996 Reinstatement Order that are not inconsistent with the within Order shall continue in full force and effect.

A handwritten signature in black ink, appearing to read 'Anthony M. Villane, Jr.', is written over a horizontal line.

ANTHONY M. VILLANE, JR., D.D.S.,
President, State Board of Dentistry

RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 4-18-96 cm

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND
PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of:

JONATHAN W. PARKER, D.M.D.

Licensed to Practice Dentistry
in the State of New Jersey

)
) Administrative Action
)
) REINSTATEMENT ORDER
)
)
)
)

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the filing of an Application for Reinstatement of Licensure by Pamela Mandel, Esq., counsel for Jonathan W. Parker, D.M.D. The Application was supported by documents attesting to the rehabilitation of Dr. Parker with respect to his drug addiction including, but not limited to, reports from Ross B. Brower, M.D.; Frank J. Dyer, Ph.D.; Richard J. Frances, M.D.; Deborah Gaynor, C.A.C.; Arthur Yee, M.D.; Frederick Rotgers, Psy.D.; Dennis M. Puebla, C.A.D.C.; and letters of recommendation from Richard D. Baer, D.D.S.; Allan Gibofsky, M.D.; and Shelly Spatz. Dr. Parker personally appeared before the Board on April 3, 1996 together with counsel in order to request reinstatement of his license to practice dentistry. Dr. Parker's license to practice dentistry had been revoked by a prior Board Decision and Order entered on November 17, 1994.

The Board thoroughly reviewed the entire record before it and after diligent deliberations determined to enter a Reinstatement Order as follows:

IT IS, THEREFORE, ON THIS 17th DAY OF April, 1996,
HEREBY ORDERED THAT:

1. The license of Jonathan W. Parker, D.M.D. (respondent) to practice dentistry in the State of New Jersey shall be reinstated effective immediately and expressly contingent upon continuing compliance with all terms and conditions contained in the within Order.

2. Respondent may practice dentistry only under the direct supervision of a New Jersey licensed dentist. Direct supervision shall mean that the supervising dentist shall be physically present in the dental facility at all times while respondent is performing dental procedures. Respondent shall inform the employing dentist of his prior drug addiction problem, and he shall provide to the employing dentist a copy of the within Order as well as the Board's prior Decision and Order dated November 17, 1994. Respondent shall provide to the Board the name and address of the employing dentist, and he shall cause the employing dentist to submit quarterly reports to the Board confirming that he or she has been advised of the respondent's prior addiction and providing an evaluation of his continuing competence and performance. Respondent shall not be permitted to own or operate any dental facility pursuant to the terms of this Order. Respondent shall be permitted to practice dentistry no more than two (2) full days each week during the first six (6) months of this Order. Respondent shall advise the Board in writing of his work schedule and any amendments thereto during this six (6) month

period. Thereafter, respondent may request from the Board permission to practice dentistry during more extended hours.

3. Respondent shall have his urine monitored under the supervision of the Board on a random, unannounced basis, twice weekly, at a laboratory facility designated by the Board. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility in writing by the Executive Director of the Board.

The urine monitoring shall be conducted with direct witnessing of the taking of the samples by a person of the same gender as arranged and designated by the testing facility. The initial drug test shall utilize appropriate screening techniques, and all confirming tests and/or secondary tests shall be performed by gas chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

All test results shall be provided to Agnes Clarke, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by the respondent to submit or provide a urine sample within twenty-four (24) hours of a request shall be deemed to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes Clarke, Executive Director of the Board, or her designee. Personnel at the drug testing facility shall not be authorized to consent to waive a urine test. In addition, respondent shall provide the Board with written substantiation of his inability to appear for a test within two (2) days after permission has been granted to waive a test, e.g., a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the dentist that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

In the event the respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for a urine test prior to the resumption of dental practice upon return to the State.

The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

4. Respondent shall attend support groups including two (2) meetings per week of an impaired professional group and ten (10) meetings per week of AA/NA groups.

5. Respondent shall attend individual therapy with Ross Brower, M.D. at a frequency of one (1) time per week, and he shall attend group therapy with Richard Frances, M.D. as recommended by Dr. Frances. Respondent shall cause Dr. Brower and Dr. Frances to provide quarterly reports commencing June 1, 1996 directly to the Board with respect to his attendance and progress in individual and group therapies.

6. Respondent shall not prescribe or dispense or administer controlled dangerous substances nor shall he possess such substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause. In the event any physician or dentist prescribes medication which is a controlled dangerous substance, respondent shall cause such doctor to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine test as a result of such medication.

7. Respondent shall provide appropriate releases to any and all parties who have information concerning respondent's drug dependency, and/or who are participating in the monitoring program as outlined herein as may be required in order that all reports,

records, and other pertinent information may be provided to the Board in a timely manner.

8. At the Board's discretion, respondent shall submit to a psychological or psychiatric evaluation by a Board appointed consultant within six (6) months from the entry of this Order. Respondent shall be responsible for the fee of the consultant for the evaluation and report.

9. All costs associated with the monitoring program as outlined herein shall be paid directly by the respondent.

10. It is expressly understood and agreed that continued licensure with restrictions as ordered herein is contingent upon strict compliance with all of the aforementioned conditions. Upon the Board's receipt of any information indicating that any term of the within Order has been violated in any manner whatsoever, including, but not limited to, a verbal report of a confirmed positive urine or any other evidence that respondent has used an addictive substance, a hearing shall be held on short notice before the Board or before its representative authorized to act on its behalf. The proofs at such a hearing shall be limited to evidence of the particular violation at issue. Any confirmed positive urine test shall be presumed valid, and respondent shall bear the burden of demonstrating its invalidity.

11. Respondent may apply for modification of the terms and conditions of the within Order no sooner than six (6) months